

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Joshua Jamal Smith

Docket No. 5:12-CR-11-1FL

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joshua Jamal Smith, who, upon an earlier plea of guilty to Possession of an Unregistered Firearm, 26 U.S.C. §§ 5841, 5845, 5861(d) and 5871, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on September 5, 2012, to the custody of the Bureau of Prisons for a term of 63 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Joshua Jamal Smith was released from custody on September 16, 2016, at which time the term of supervised release commenced.

On September 25, 2017, A Petition for Action was submitted after the defendant tested positive for marijuana use on August 29, 2017. In response to this violation, the defendant was enrolled in substance abuse treatment, and as a sanction he was enrolled in the DROPS Program, beginning at the second use level.

On November 17, 2017, A DROPS Sanction Report to the Court was submitted after the defendant tested positive for marijuana use on October 30, 2017. The defendant served 5 days in jail as a sanction for his drug use.

On February 8, 2018, A Motion For Revocation was filed after the defendant tested positive for marijuana use on November 29, 2017, and January 8, 2018, and failed to respond to this officer's attempts to locate him. On April 6, 2018, at the revocation hearing, the court found that the defendant violated the terms and conditions of the judgment, but the court denied the motion for revocation and ordered that the term of supervised release be continued.

On May 25, 2018, a Violation Report was submitted after the defendant received a citation for Fictitious/Altered Title/Registration Card/Tag and Driving or Allowing Someone to Drive Motor Vehicle Without Registration (18CR702175) in Edgecombe County, North Carolina. The defendant received a verbal reprimand for this violation. No further action was requested. This offense was dismissed on July 19, 2018.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant tested positive for cocaine and marijuana use on November 16, 2018, and the results were confirmed by laboratory analysis on December 7, 2018. When confronted, the defendant acknowledged his drug use and signed an admission statement. He received a verbal reprimand and was counseled for his actions. In response to his drug use, the defendant will undergo increased substance abuse treatment and drug testing. As a sanction, the defendant has agreed to adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: December 21, 2018

ORDER OF THE COURT

Considered and ordered this 21st day of December, 2018, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge